

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**  
CHARLOTTESVILLE DIVISION

ALEXANDER STONE KRISTENSEN a minor by  
next friend, SUSAN LEIGH KRISTENSEN, and  
KAIA VICTORIA KRISTENSEN, a minor by next  
friend, SUSAN LEIGH KRISTENSEN,

*Plaintiffs,*

v.

WILLIAM DAVID SPOTNITZ and DENISE  
CONSTANCE SCHAIN

*Defendants.*

CIVIL ACTION NO. 3:09-cv-00084

ORDER

JUDGE NORMAN K. MOON

This matter is before the court upon consideration of Defendants' motions in limine to exclude from introduction at trial the testimony of (i) Plaintiffs' treating physicians for failure to comply with Fed. R. Civ. P. 26(a)(2)(C) (docket no. 59); (ii) Dr. Elizabeth Frye, for failure to comply with Fed. R. Civ. P. 26(a)(2)(B) (docket no. 70); and (iii) Darren Giacolome, pursuant to Fed. R. Evid. 407 (docket no. 61). For the reasons set forth in the accompanying memorandum opinion, the motions are hereby DENIED.

In addition, Plaintiffs are ORDERED to file an appropriate Rule 26(a)(2)(C) disclosure with respect to Dr. Elgort within 14 days of the date of this order.

The Clerk of the Court is directed to send a certified copy of this order to all counsel of record.

Entered this 3rd day of June, 2011.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE